

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 10/733,843
Attorney Docket No.: Q78446

REMARKS

Claims 1-12 are all the claims pending in the application. By way of this amendment, Applicant amends claim 1 to further clarify the invention. In addition, Applicant editorially amends claims 4-6 and 8 for better conformity with the amended claim 1. Claims 7, 9, and 12 are rewritten into their independent form and claim 10 now depends on claim 9.

The Advisory Action indicates that claim 2 is allowed and claims 7 and 9-12 contain allowable subject matter. Applicant rewrites claim 7, 9, and 12 into their independent form and changes the dependency of claim 10 to now depend on claim 9. In view of the above, Applicant respectfully requests the Examiner to allow claims 7 and 9, 10, and 12. The rewriting of claim 11 is held in abeyance until arguments presented with respect to claim 1 have been reconsidered.

Statement of Substance of Interview and Prior Art Rejection

The Advisory Action further indicates that claims 1, 3-6, and 8 are rejected as being anticipated by EP 0 384 128 to Winthrop (hereinafter "Winthrop"). Specifically, the Examiner alleges that the claim language does not require the astigmatism peak to only be at same height or above the far point, (*see* Continuation Sheet). In view thereof, Applicant contacted the Examiner to discuss this rejection.

Applicant thanks the Examiner and the Supervisory Examiner for the courteous telephonic interview on November 14, 2005. The Statement of Substance of the Interview is as follows:

During the interview independent claim 1 was discussed in view of Winthrop. The Examiner indicated that claim 1 is unclear. The Examiner further indicated that if Applicant

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amends claim 1 to indicate that "the astigmatism peaks are positioned only at same height or substantially higher than the far point," it will overcome the rejection of record. In view thereof, Applicant amends claim 1 to further clarify the invention as suggested by the Examiner.

That is, with respect to the location of the maximum astigmatism of the occupational lens, Winthrop only teaches that it is located above the 0-180° line of the lens, where it cannot interfere with the near-vision function (Figs. 13A-C; page 12, lines 4 to 29). That is, in Winthrop, there is no teaching or suggestion that astigmatism peak being only at same height or above the far point. Nothing in the teachings of Winthrop excludes placing the maximum astigmatism in the intermediate corridor below the far point. This argument is presented in greater detail in the Amendment under 37 C.F.R. § 1.116 filed on October 18, 2005, which is incorporated herein by reference.

Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 3-6, 8, and 11.

Entry and consideration of this Amendment is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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